



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

**KWAZULU-NATAL PROVINCIAL SHARED SERVICE CENTRE PRIVATE BAG X 9132, PIETERMARITZBURG, 3200
270 Jabu Ndlovu Street, PIETERMARITZBURG, 3201 Tel: (033) 264 9500**

ENQUIRIES: Ms. S. Sithole / Ms. T. Dlungwana

BID NO: SS-KZN 5/2/1(7001) 2L

The Managing Director
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.....

Dear Sir / Madam

**THE REQUEST FOR APPROVAL TO APPOINT A PROFESSIONAL RESEARCHER TO CONDUCT A RESEARCH
IN THE MATTER OF MOYENI PHILMON MKHIZE LAND CLAIM ON BEHALF OF VUMUKWENZA TRIBAL
AUTHORITY COMMUNITY SITUATED IN BUHLEBEZWE LOCAL MUNICIPALITY UNDER HARRY GWALA
DISTRICT MUNICIPALITY: KWAZULU-NATAL.**

1. Bid No.: **REF: SS-KZN 5/2/1 (7001) 2L**
2. Closing Date: **19 September 2024 at 11h00 Telkom time.** Bids submitted after this date will not be accepted. Please note that vat vendors must include VAT at 15%.
3. The attached documents consist of [] pages. Only service providers/ companies invited by the Department will be considered for this project.
4. The conditions contained in Supply Chain Management (General Conditions and Procedures) and the attached SBD 1, Pricing schedule, SBD 6.1, terms of reference / specifications, entity forms, as well as any other conditions accompanying this request are applicable. Documents are to be completed, signed and witnessed (this is of utmost importance) and submitted with your proposal. Proof of delegation of authority to sign the Bid documents must be included in your proposal.
5. If you are a shareholder or joint venture, it is essential that you indicate your percentage commission or profit before tax in order that the reasonableness of your bid price may be gauged. This information will be treated as strictly confidential. It is of utmost importance that the bidder should attach to the proposal, certified copies of shareholders certificates and identity documents.
6. **(Include the relevant Central Supplier Database summary report and the Tax compliance status pin or (valid tax clearance certificate)**
7. Please contact **Mr. N Mkhize** on **071 246 7143** for any technical queries related to the project.
8. All the documents accompanying this bid invitation must please be completed in detail where applicable and returned with your bid. Emailed copies will be accepted. The use of correction fluid on the bid document is prohibited.
9. The appointed service provider will be required to sign a contract at the KwaZulu-Natal Provincial Shared Service Centre at 270 Jabu Ndlovu Street, Pietermaritzburg before the commencement of the project.
10. Please ensure that your bid reaches this office before closing time.
11. When submitting your bid the following information must appear on the sealed envelope:
Name and address of the bidder
Bid number
Closing date
12. All bids/quotations are to be numbered and initialled and sent for the attention of the Procurement Section and placed in the bid box on the first floor at 270 Jabu Ndlovu (Loop) Street, Pietermaritzburg **OR** if posted, place the aforementioned envelope in a covering envelope addressed as follows:
Bids, Department of Agriculture, Land Reform and Rural Development, Private Bag X9132, Pietermaritzburg, 3200 **OR** email to SilokothoS@dalrrd.gov.za
13. The Department of Agriculture, Land Reform and Rural Development is not bound to accept the lowest or any quotation and reserves the right to accept any quotation or part thereof.

Kind regards

DIRECTOR: FINANCE AND SUPPLY CHAIN MANAGEMENT, PSSC KZN

FOR DIRECTOR - GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DATE: 11/09/2024



OFFICE OF THE CHIEF LAND CLAIMS COMMISSIONER

200 Church Street, PIETERMARITZBURG, 3200, Private Bag X 9120, PIETERMARITZBURG 3200
Tel: (033) 355 8400 | Fax: (033) 342 3409

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PROFESSIONAL RESEARCHER TO CONDUCT COMPREHENSIVE AND DETAILED RESEARCH, HOMESTEAD IDENTIFICATION AND VERIFICATION EXERCISE FOR VUMUKWENZA TRIBAL AUTHORITY COMMUNITY LAND CLAIM UNDER HARRY GWALA DISTRICT MUNICIPALITY: KWAZULU-NATAL PROVINCE

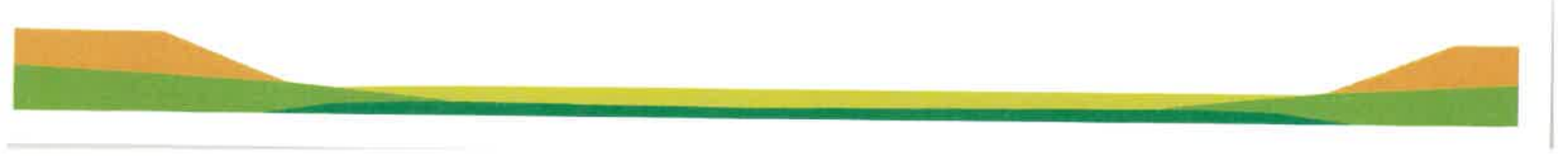
1. BACKGROUND

- 1.1. The Commission on Restitution of Land Rights has a mandate to receive land claims, investigate such claims and facilitate settlement of claims that are compliant with section 2 of the Restitution of Land Rights Act.
- 1.2. The Commission requires the services of a suitably qualified service provider to conduct intensive research into the merits of the land claims mentioned below. This brief affects various land claims that are batched, for tender purposes, into packages consisting of district allocations.
- 1.3. The claims are put on Request for Quotation (RFQ) in batches which should be quoted and costed as per request grouped/consolidated as per the districts of the province as one.
- 1.4. The attention of the service provider is drawn to the fact that they will be required to conduct a detailed and comprehensive investigation and research into the history and circumstances of dispossession on each of the above mentioned claims in relation to the qualification criteria as provided for by section 2 of the Restitution of Land Rights Act read together with Rules of the Commission.

2. OBJECTIVE

- 2.1. To procure the services of a suitably qualified service provider or institution to investigate, research and produce Research Report that can help clarify the merits of each claim in terms of section 2 of the Restitution of Land Rights Act read together with the Rules of the Commission; and such envisaged research report/s, if challenged, be able to stand the test of the Land Claims Court.
- 2.2. Also conduct Homestead and name verification and produce final report for **VUMUKWENZA TRIBAL AUTHORITY** in accordance with the Act.

3. SCOPE AND DEFINITION OF THE WORK

- 3.1. The service provider will be required to carry out the following tasks:
- 3.1.1. Provide evidence on the information and particulars of the claimants (i.e. who lodged the land claim; date of lodgment of the claim; on whose behalf was it lodged; and claimant entity at the time of dispossession and indicate what the current status is;
 - 3.1.2. Provide evidence on the property description as it was at the time of dispossession as well as what it is currently;
 - 3.1.3. Provide evidence on the locality or location of the claimed land (i.e. distance and direction from the nearest towns, provincial and/or national road; and Geographical Positioning System (GPS) co-ordinates), spatial apartheid (i.e. was the claimed land at the time of dispossession included or not in the "Schedule Area – 1913, 1925 and 1927 Acts" and "Released Areas – 1936 Act") and encumbrances on the claimed land (i.e. bonds, business rights, mineral rights, water rights, servitudes and their holders);
 - 3.1.4. Provide evidence on the history of acquisition of the claimed land – from the first formal registration to the current land owner(s), theirs and particulars and any other relevant information;
 - 3.1.5. Provide evidence on nature of rights in land the claimants were dispossessed of – conduct the land rights enquiry on registered/formal (i.e. deeds of transfers) and/or unregistered/informal (i.e. beneficial occupation of more than ten (10) years, labour tenancy and accompanying rights, sharecropping, etc.);
 - 3.1.6. Provide evidence on the date(s) and circumstance(s) (i.e. *modus operandi*) of dispossession;
 - 3.1.7. Provide evidence on the racial law(s) and/or racial practice(s) used to dispossess the claimants;
 - 3.1.8. Provide evidence on the State body(ies), Commission(s) or official(s) responsible for the dispossession;
 - 3.1.9. Provide evidence on the compensation and the form thereof that was paid at the time of dispossession;
 - 3.1.10. Provide evidence on the land use(s) at the time of dispossession and the current land use(s);
 - 3.1.11. Provide evidence on the hardship suffered by the claimants at the time of dispossession and the hardships that have been and are being suffered by claimants since and as a result of the dispossession in question; and
 - 3.1.12. Provide evidence on whether or not are there any competing and/or overlapping claims on the same (claimed) property.
 - 3.1.13. Conduct a documentary research and use qualitative research methodology to assess whether each claim meets the requirements of Section 2 of the Restitution
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Act and the Rules of the Commission.

- 3.1.14. Mapping of the claimed land and homestead identification as per the properties listed in the claim form.
- 3.1.15. Conduct Homestead verification per farm/ per property. Based on homestead identification conduct and name verification according to the individual farms. Full report on excel spread sheet is a delivery.
- 3.1.16. Provide an analysis report based on the study of the aerial photographs relating to the claimed properties.
- 3.1.17. These claims have been lodged in terms of the Restitution of Land Rights Act, Act No. 22 of 1994, as amended, in terms of which the Commission has a duty to investigate the acceptance or not of the lodged claims to determine whether they individually and severally meet the requirements of Section 2 of the Restitution Act.
- 3.1.18. Report to the RLCC by way of a comprehensive report, covering all the aspects embodied in the terms of reference;
- 3.1.19. Where applicable, use and refer to previous judgments (precedent/Case Law) relevant to the circumstances of the dispossession in question.
- 3.1.20. Although it is the sole statutory prerogative of the Regional Land Claims Commissioner to pronounce on acceptance or otherwise of the claims, on the strength of the research conducted, the Service Provider is expected to express an independent opinion on whether each of the above-mentioned land claims meets the acceptance criteria or not as per section 2 of the Restitution Act read together with the rules of the Commission.

4. DELIVERABLES

- 4.1. To the extent necessary based on the available deeds and documentary research, it is expected that the Service Provider or an Institution will conduct oral research and visit the Claimants, Deeds Office, National and Provincial Archives, National and Local Libraries, Surveyor-General's Office, Surveyor and Mapping (Cape Town) and other credible sources of information, and produce a detailed and comprehensive research report (Rule 5 Report) that will cover the following:

No.	TASKS	DELIVERABLES OR EVIDENCE
1.	Cover Page	1.1. Cover page
2.	Acknowledgement	1.2. Acknowledging the contribution(s) of others in conducting research, drafting and compiling the Research Report.
3.	Table of Contents	1.3. Table of contents of the detailed and comprehensive research Report.
4.	Executive Summary	4.1. A summary or synopsis of the work conducted, conclusion(s) finding(s) and

		Rules of the Commission
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- 4.2. The final report to be submitted by the Service Provider must address in detail the issues stipulated in Rule 3 and Rule 5 of the Rules Regarding Procedure of the Commission read together with section 2 of the Restitution of Land Rights Act, No. 22 of 1994 as amended.
- 4.3. The Service Provider is expected to provide a written summary of the files which were perused on each claim, including all standard file reference details, to facilitate ease of access to those files and documents should it later be necessary.
- 4.4. It is important to note that the research information provided might be used as evidence in the Land Claims Court should any affected or interested party in the claim challenge the outcome of the research.
- 4.5. The Service Provider is also expected to design optimal means of gathering data and ensuring quality control during data collection.

5. GENERAL PROCESS CONSIDERATIONS

- 5.1. **The Service provider is expected to:**
 - 5.1.1. Compile a Project Implementation Plan which specifies (in detail) time frames for completion of specific activities and the method to be used;
 - 5.1.2. Submit a Project Implementation Plan with specific deliverables and milestones;
 - 5.1.3. Submit bi-weekly progress report(s);
 - 5.1.4. Submit 3 bound hardcopies of the research report as well as an electronic version on a CD within the stipulated time frames;
 - 5.1.5. Consult regularly with relevant parties including the Director: Operations, Project Managers, Project Coordinators, Project Officers and members of the claimant families/ communities on issues relating to the work; and
 - 5.1.6. Consult with the office of the Regional Land Claims Commissioner: KwaZulu-Natal on the form and content of the final product.
- 5.2. **The Service Provider is also expected to provide a Detailed and Comprehensive Research Report covering the following for each of the allocated claims:**
 - 5.2.1. Oral evidence;
 - 5.2.2. Archival Information/ Documentary evidence;
 - 5.2.3. Deeds Information;
 - 5.2.4. Surveyor-General's Office Information – Aerial Photographs, Diagrams and Maps
- 5.3. **Clear description of the claimed land – the extent of the land (hectares/maps)**
 - 5.3.1. SG diagrams showing the exact cadastre & depicting history of cadastre
 - 5.3.2. SG diagrams showing Administrative Areas if such areas existed at the time of dispossession
 - 5.3.3. Aerial photographs at the time of dispossession & current / latest aerial photographs
 - 5.3.4. Historical topographical maps of the area

- 5.3.5. Current / latest topographical maps of the area
- 5.3.6. Historical land use & land potential maps of the area
- 5.3.7. Current Spatial Development Framework / Zoning Maps of the areas

5.4. Ownership before dispossession – in terms of the following

- 5.4.1. Title deeds, who owned the land
- 5.4.2. Permissions to occupy
- 5.4.3. Beneficial occupation
- 5.4.4. Who “owned” the land (Government / State or Tribal Authority, Individuals, Households or Community)
- 5.4.5. Are there competing or overlapping claims in respect of the claimed land – “who is who”.

5.5. How did the dispossession happen?

- 5.5.1. When (date/year) did the dispossession take place in relation to June 1913?
- 5.5.2. What racial discriminatory laws and/or practices were used for dispossession?
- 5.5.3. How were the “owners” removed from the land?
- 5.5.4. To which land were they moved?
- 5.5.5. What compensation was received at the time of the removal/dispossession

6. MONITORING AND REPORTING

- 6.1. The Service Provider is expected to work with or submit all the required reports to the Project Manager (s) in the Office of the Regional Land Claims Commissioner in KwaZulu-Natal who will be available to offer assistance to the Service Provider to ensure that the project is completed with accuracy and within the stipulated time frames.

7. PAYMENT METHOD

- 7.1. All payments will be made in accordance with the completed and approved deliverables
- 7.2. Financial penalties will be imposed for agreed upon milestones, targets, and deadline not met without providing “**Timely notification of such delays and the reasons for the delays**”
- 7.3. Supporting evidence that the delays were outside of the influence of Service Provider.
- 7.4. Original invoices as per the deliverable that substantiate all costs must be provided. The invoices should include the Commission’s tender number that will be provided to the selected Service Provider upon acceptance of the bid.
- 7.5. Invoices must clearly indicate the numbers of hours spent on the project, for what purpose those hours were spent and to what extent the objectives were achieved.
- 7.6. An invoice shall only be paid after it has been checked and signed by the Project Manager
- 7.7. No copies or e-mailed invoices will be processed.

8. RESPONSIBILITY AND ROLE

- 8.1. **The Office of the Regional Land Claims Commissioner: KwaZulu-Natal will supply the appointed Service Provider(s) with:**

- 8.1.1. the names of the claimants and their contact details in respect of traceable claimants;
- 8.1.2. claim forms and other useful information and documents that are necessary to facilitate the activities of the Service Provider; and
- 8.1.3. attend the first meeting (which must be arranged and convened by the service provider) of the claimant community in order to introduce the service provider to the claimants.

8.2. The Service Provider is expected to:

- 8.2.1. Work with or submit all the required reports to the Project Manager(s) in KwaZulu-Natal who will be available to offer assistance to the service provider to ensure that the project is completed within the stipulated time frames and with accuracy.

9. PRICING SCHEDULE

- 9.1. Service providers are required to present a tender (proposal and pricing schedule) specific to each land claims as per District, and there should be an indication of how the pricing schedule relates to envisaged cost per land claim.
- 9.2. All payments will be made in accordance with the completed and approved deliverables;
- 9.3. Invoices must clearly indicate the numbers of hours spent on the project, for what purpose those hours were spent and to what extent the objectives were achieved.
- 9.4. No copies or e-mailed invoices will be processed.

10. TIME FRAME

- 10.1. The project is envisaged to take no longer than **Sixty Days** to complete from the date of appointment of the service provider/s.
- 10.2. However, the service provider/s will be required to keep the designated Project Manager(s) informed of the progress made by submitting and presenting bi-weekly reports.
- 10.3. The Commission herewith stipulates the following timeframes for the completion of the under-mentioned activities:
 - 10.3.1. An agreed project plan/work-breakdown structure
 - 10.3.2. An agreed process that will be followed in conducting research
 - 10.3.3. Agreed milestones per activity
 - 10.3.4. A Detailed and Comprehensive Research Reports

11. EVALAUTION PROCESS

- 11.1 The following process will be used in particular as the criteria for appointment, apart from those laid down in the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, Act 5 of 2000. Proposals will be evaluated individually, by a representative from Supply Chain Management according

Service Provider must comply with the requirements and submit all required document(s) indicated hereunder with their Quotations at the closing date and time of the RFQ. This phase is not scored and Service Providers who fail to comply with all the mandatory criteria will be disqualified

11.2 The Pricing Schedule must be fully completed for each quoted item.

Note: Any Service Provider not complying with the above-mentioned stipulations will be regarded as non-responsive and will therefore not be considered for further evaluation

ADMINISTRATIVE REQUIREMENTS

a) Tax Requirements:

- Bidders must ensure compliance with their tax obligations.
- Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer's profile and taxstatus.
- Application for tax compliance status (TCS) or pin may also be made via e-filing. To use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za.
- Bidders may also submit a printed TCS together with the bid.
- In bids where consortia / joint ventures / sub-contractors are involved; each party must submit a separate proof of TCS / pin / CSD number.

b) The current financial year's registration or proof of good standing for the Proposed Project Lead (Valuer) will be verified prior the award of this RFQ. The OVG reserves the right to disqualify the Service Provider should the outcome of the verification be negative.

12. GENERAL CONDITIONS

12.1 The following preference point systems are applicable to invitations to tender: - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

12.2 To be completed by the organ of state a) The applicable preference point system for this tender is the 80/20 preference point system. b) 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

12.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for: (a) Price; and (b) Specific Goals.

12.4 To be completed by the organ of state: The maximum points for this tender are allocated as follows: POINTS PRICE 80 SPECIFIC GOALS 20 Total points for Price and SPECIFIC GOALS 100

12.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

12.6 Tenderers that fail to claim points for specific goals or that fail to fully complete the table in paragraph 13 below, will not be awarded points for specific goals.

12.7 Tenderers that make a calculation error when claiming points as per the table in paragraph 13 below, will not be awarded points for specific goals. Please take note of the examples on how to calculate points for specific goals as per paragraph 13 below.

12.8 Tenderers that fail to submit the correct SBD 6.1 form as issued by the Department of Agriculture, Land Reform and Rural Development, will not be awarded points for specific goals.

12.9 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

12.10 Tenderers who wish to claim points in terms of the table in paragraph 13 below need to provide proof for each point claimed as guided below:

12.10.1 Historically Disadvantaged individuals (HDI):

- Attach a copy of Identity Document (ID) and company registration document.

12.10.2 Who is female:

- Attach a copy of Identity Document (ID) and company registration document.

12.10.3 Who has a disability:



- Attach a certified copy or original doctor's letter confirming the disability.

12.10.4 Who is youth (a person that is not older than 35 years on the closing date of a bid):

- Attach a copy of Identity Document (ID) and company registration document.

13. POINTS AWARDED FOR SPECIFIC GOALS

The Department will use the Central Supplier Database and documents submitted by the tenderer to verify the points claimed for specific goals.

Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Percentage ownership equity (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
I.HDI	10		
II.Who is female	5		
III.Who has a disability	2		
IV.Specific goal: Youth	3		

The number of points claimed for specific goals, are calculated as follow:

- (I) A maximum of 10 points may be allocated to tenderers who had no franchise in national elections before the 1983 and 1993 Constitution, on the following basis:
 - (II) Percentage ownership equity $\times 10 \div 100 =$ number of points claimed.
- (II) A maximum of 5 points may be allocated for to tenderers who is female, on the following basis:
 - Percentage ownership equity $\times 5 \div 100 =$ number of points claimed.

(III) A maximum of 2 points may be allocated to tenderers who has a disability, on the following basis: • $\text{Percentage ownership equity} \times 2 \div 100 = \text{number of points claimed}$.

(IV) A maximum of 3 points may be allocated to tenderers who are youth, on the following basis: • $\text{Percentage ownership equity} \times 3 \div 100 = \text{number of points claimed}$.

14. PRICING

- 14.1 The **total amount** of the quotation **must be fixed and inclusive of VAT**. If registered as VAT vendor provide the cost, VAT and total amount.

15. TERMS AND CONDITIONS

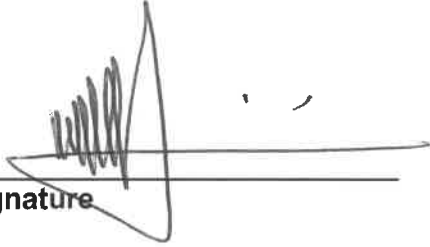
- 15.1. Appointment shall be subject to the Service Provider's express acceptance of the standard bidding documents inclusive of the Government Procurement General Conditions of Contract.
- 15.2. No material or information derived from the provision of the services under these may be used for any purpose other than those of the Commission except where authorized by the Commission in writing to do so.
- 15.3. Copyright in respect of all documents and electronic data, prepared or developed for the purpose of this project shall be vested in the Commission.
- 15.4. In the case of appointment the Service Provider will enter into a Service Level Agreement with the Commission.
- 15.5. The Service Providers should be available to commence with the project immediately upon appointment.
- 15.6. The Commission reserves the right to award or not to award this contract;
- 15.7. The Commission reserves the right not to accept the lowest cost proposal;
- 15.8. The Commission reserves the right to terminate the contract should the performance of the service provider be unsatisfactory;
- 15.9. It is the responsibility of prospective bidders to ensure that their bid documents are submitted before the closing time and date of the bid. Bids received after closing time and date are late and will NOT be considered;
- 15.10. Although adequate thought has been given in the drafting of this document, errors such as typos may occur which the Commission will not be responsible for.
- 15.11. Any change of information provided in the tender document that may affect delivery of services should be brought to the Commission attention as soon as possible. Failure to comply may result in the contract being terminated;
- 15.12. Services providers presenting information intentionally incorrect or fraudulent will be disqualified;
- 15.13. Service providers who have been declared insolvent and wish to do business with the Commission must have been rehabilitated and provide the necessary proof thereof.
- 15.14. The Service Provider team members named in the proposal should be retained for the duration of the project. Any replacement of team members must first be discussed and approved by the Commission.
- 15.15. A Service Level Agreement (SLA) stipulating time frames and the reporting schedule will be signed between the RLCC KwaZulu-Natal and recommended service provider.

16. TRAVEL AND ACCOMMODATION

- 14.1 Travel by air where it is deemed more practical, shall be limited to economy class and may only be undertaken with the prior approval of the Project Manager.
- 14.2. Actual cost of hiring a car in the A class category between airport of arrival and venue of the meeting, shall be reflected on the invoice.
- 14.3. When using private vehicles, claims are limited to the tariff laid down from time to time by the Commission of Transport for "A" category vehicles. (Distance between Service Provider's office and home is viewed as private kilometer's).
- 14.4. Accommodation shall be limited to the three-star accommodation or lower.

17. CLAIMS FOR OUTSOURCING

NO.	Reference Number	Project Coordinator	Claimant Name as Listed on the Claim Form	Type of Claim (use of drop down)	Contact Person	Contact Number
1.	KRN6/2/2/E/16/0/0/152	Sindi Danisa	Mkhize Moyeni Philmon	Community	Inkosi Siphakanyiswa N. Mkhize	0712467143


Signature

Name: Mnyamezeli Dlamini

Designation: Acting Chief Director: Land Restitution Support: KZN

Date:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: SS-KZN 5/2/1 (7001) 2L
CLOSING TIME 11h00am Telkom time	CLOSING DATE: 19 September 2024

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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THE REQUEST FOR APPROVAL TO APPOINT A PROFFESIONAL RESEARCHER TO CONDUT A RESEARCH IN THE MATTER OF MOYENI PHILMON MKHIZE LAND CLAIM ON BEHALF OF VUMUKWENZATRIBAL AUTHORITY COMMUNITY SITUATED IN BUHLEBEZWE LOCAL MUNICIPALITY UNDER HARRY GWALA DISTRICT MUNIPALITY: KWAZULU-NATAL

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

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3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

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5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

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R..... days
R..... days
R..... days
R..... days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

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R.....
R.....
R.....

Name of Bidder:

R.....

TOTAL: R.....

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid
 7. Estimated man-days for completion of project
 8. Are the rates quoted firm for the full period of contract? *YES/NO
 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

Name: Ms Thokozile Dlungwana
 Email: Thokozile.dlungwana@dalrrd.gov.za
 Tel: 033 264 9500

Tel:

Or for technical information –

Name: Mr Bongani Ngcobo
 Email: Sindisiwe.Danisa@dalrrd.gov.za
 Tel : 033 341 2600

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, _____ the _____ undersigned,
 (name)..... in
 submitting the accompanying bid, do hereby make the following
 statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

PRICE QUOTATION PROCESS (UP TO R 1 MILLION)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of tender invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions;
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); and
- (f) **“Historically Disadvantaged individuals”** means a person historically disadvantaged by unfair discrimination on the basis of race: Provided that a person historically disadvantaged on the basis of race refers to Africans, Coloureds, Indians and people of Chinese descent who are South African citizens by birth or descent; or who became citizens of the Republic of South Africa by Naturalisation -
 - Before 27 April 1994; or
 - On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date.

2. GENERAL CONDITIONS

2.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

2.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

2.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

2.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 2.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 2.6 Tenderers that fail to claim points for specific goals or that fail to fully complete the table in paragraph 2.12 below, will not be awarded points for specific goals.
- 2.7 Tenderers that make a calculation error when claiming points as per the table in paragraph 2.12 below, will not be awarded points for specific goals. Please take note of the examples on how to calculate points for specific goals as per paragraph 2.12 below.

- 2.8 Tenderers that fail to submit the correct SBD 6.1 form as issued by the Department of Agriculture, Land Reform and Rural Development, will not be awarded points for specific goals.
- 2.9 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2.10 Tenderers who wish to claim points in terms of the table in paragraph 2.12 below need to provide proof for each point claimed as guided below:

2.10.1 Historically Disadvantaged individuals (HDI):

- **Attach a copy of Identity Document (ID) and company registration document.**

2.10.2 Who is female:

- **Attach a copy of Identity Document (ID) and company registration document.**

2.10.3 Who has a disability:

- **Attach a certified copy or original doctor's letter confirming the disability.**

2.10.4 Who is youth (a person that is not older than 35 years on the closing date of a bid):

- **Attach a copy of Identity Document (ID) and company registration document.**

2.11 The Department will use the Central Supplier Database and documents submitted by the tenderer to verify the points claimed for specific goals.

2.12 **Specific goals for the tender and points claimed are indicated per the table below.**

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Percentage ownership equity	Number of points claimed (80/20 system)
		(To be completed by the tenderer)	(To be completed by the tenderer)

I. HDI	10		
II. Who is female	5		
III. Who has a disability	2		
IV. Specific goal: Who is youth	3		

The number of points claimed for specific goals, are calculated as follow:

- (I) A maximum of 10 points may be allocated to tenderers who had no franchise in national elections before the 1983 and 1993 Constitution, on the following basis:
 - **Percentage ownership equity** x 10 ÷ 100 = number of points claimed.
- (II) A maximum of 5 points may be allocated for to tenderers who is female, on the following basis:
 - **Percentage ownership equity** x 5 ÷ 100 = number of points claimed.
- (III) A maximum of 2 points may be allocated to tenderers who has a disability, on the following basis:
 - **Percentage ownership equity** x 2 ÷ 100 = number of points claimed.
- (IV) A maximum of 3 points may be allocated to tenderers who are youth, on the following basis:
 - **Percentage ownership equity** x 3 ÷ 100 = number of points claimed.

2.13 It is important to note that failure by a tenderer to complete the table in paragraph 2.12 in full, will result in points for specific goals not to be allocated.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

80/20

Pt – Pmin

$$Ps = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 points is allocated for price on the following basis:

80/20

$$Ps = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in the table in paragraph 2.12 above as may be supported by proof/ documentation stated in the conditions of this tender.

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

- 4.3 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their members, be entitled to claim points in respect of specific contract participation goals.
- 4.4 A tenderer will not be awarded points for HDI if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for the same number or more points for equity ownership.
- 4.5 A tenderer awarded a contract as a result of preference for contracting with, or providing equity ownership to a HDI, may not subcontract more than 25% of the value of the contract to a tenderer who is not a HDI or does not qualify for the same number or more preference for equity ownership.

5. SUB-CONTRACTING

- 5.1 Will any portion of the contract be sub-contracted?
(**Tick applicable box**)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- 5.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted:%
- ii) The name of the sub-contractor:
.....
- iii) Points claimed for HDI by the sub-contractor:

6. DECLARATION WITH REGARD TO COMPANY/FIRM

- 6.1. Name of company/firm:
- 6.2. Company registration number:
- 6.3. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company

- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

6.4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:
.....

